



OIL PROGRAM UPDATE

JUNE 2003

www.epa.gov/oilspill/docs/ For this and related Newsletters

About this Newsletter

The Oil Program Activities newsletter is published quarterly. Circulation 3,000 / quarter plus e-mail and other links.

Due to costs associated with printing and mailing, it has become necessary to temporarily reduce the length of this publication. **We encourage everyone with email capabilities to get on our email listing in lieu of a hard copy.**

Fran Burns, Chief

Removal Enforcement and Oil Section
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103
burns.fran@epa.gov
(215)814-3245

Paula Curtin, Editor

Spill Enforcement Coordinator
US EPA Region III
1060 Chapline Street
Wheeling, WV 26003
curtin.paula@epa.gov
(304)234-0256

SPCC EXTENSION GIVEN

EPA Extends SPCC Compliance Dates

On April 17, 2003, the Environmental Protection Agency (EPA) issued an eighteen month compliance extension for the Spill Prevention Control and Countermeasures (SPCC) regulation. On July 17, 2002, EPA published revisions to this regulation.

The July 17, 2002 notice also published the dates by which the SPCC Plan amendments were to be finalized. EPA has decided to extend these regulatory compliance dates due to the number of comments received during review. For onshore and offshore facilities, the final rule lists the following compliance dates:

- If a facility was in operation on or before August 16, 2002, the SPCC Plan must be amended on or before August 17, 2004. Implementation of the amended plan should take place as soon as possible, but no later than February 18, 2005.
- If a facility becomes operational after August 16, 2002 through February 18, 2005 and could reasonably have a discharge, an SPCC Plan must be prepared and fully implemented on or before February 18, 2005.
- If a facility becomes operational after February 18, 2005 and could reasonably have a discharge, an SPCC Plan must be prepared and fully implemented before the start of operations.

Mobile facilities must have a plan prior to beginning operations, and facilities in operation prior to the effective date of the regulations (August 2003), that did not have an SPCC plan, must have a plan NOW that meets all new requirements.

“Stay The Course”

www.2003conference.org

EPA's 2003 Emergency Preparedness and Prevention Conference, November 16 - 19, Norfolk,
Mailing address: 2003 Conference, General Physics Corporation, 500 Edgewood Road, Suite 110
Edgewood, MD 21040

Hotline: **(800) 364-7974** Fax: (410) 676-8545 Attn: Katrina Harris



Under Construction: A new webpage for the Region III Oil Program. We hope to have it built and connected by the next issue. Stay tuned, I think you'll like it.

EPA Region III Summary Sheet

Spill Prevention Control and Countermeasures (SPCC)

The following tables include a highlight of amendments and clarifications to 40 CFR 112, which were published in the Federal Register on July 17, 2002 and became effective August 16, 2002.

Citation	Revised Rule Provision	Comments
New Threshold Requirement §112.1(d)(2)(i) and (ii)	A facility which stores greater than 1,320 gallons aboveground or greater than 42,000 gallons completely buried is required to prepare a Plan. <i>Note: USTs subject to all of the technical requirements of 40 CFR §280/281 are exempt from the threshold calculation.</i>	The single container capacity of 660 gallons is eliminated in the threshold determination.
Underground Storage Tanks (UST) §112.1(d)(2)(i) and §112.1(d)(4)	Completely buried tanks subject to all of the technical requirements under 40 CFR §280/281 and permanently closed USTs are not required to comply with SPCC provisions. <i>The facility diagram must include completely buried tanks, which are exempt from §112.1(d)(4).</i>	Previously all USTs were subject to the SPCC provisions once the facility met any or one of the SPCC threshold requirements.
Establishes Minimum Container Size §112.1(d)(5)	A de minimus container capacity size of 55 gallons or more is established to determine aboveground storage capacity. All containers with a capacity less than 55 gallons are exempt from the rule.	Previously all containers were considered to be subject to SPCC provisions regardless of size.
Treatment §112.1(d)(6)	Excludes any facility or part thereof from the rule if used exclusively for wastewater treatment.	The production, recovery or recycling of oil is not considered wastewater treatment.
SPCC Plan Preparation §112.1(f)	The Regional Administrator (RA) has the authority to require a facility, regardless of exemptions, to prepare an SPCC Plan.	This authority will be exercised on a case-by-case basis.
New definitions §112.2	Alteration, breakout tank, bulk storage container, bunkered tank, completely buried tank, contiguous zone, facility, partially buried tank, permanently closed container, production facility, repair, SPCC Plan, and storage capacity.	Person and spill event have been removed from the list. <i>Note: a harmful discharge is described in 40 CFR §110.</i>
Certain Oil-Filled Equipment (Operational use of Oil) §112.2	Certain oil-filled equipment does not need to meet the requirements for bulk storage containers §112.8, however, they do need to meet other provisions of the SPCC rule including secondary containment as described in §112.7(c).	The preamble includes a discussion on p.47054 & 47060.
PE Certification §112.3(d) <i>*Dates extended – see comments.</i>	In order to be in compliance with the provisions of this part, the PE must attest to the following: i. That he is familiar with 40 CFR 112; ii. The P.E. or his agent has visited and examined the facility; iii. The Plan has been prepared in accordance with good engineering practice, including consideration of industry standards and the requirements of the rule; iv. Procedures for required inspections and testing have been implemented; and v. The Plan is adequate for the facility.	For facilities operational on or before August 16, 2002, the Plan must be amended on or before August 17, 2004 and implemented by February 18, 2005 and the PE Certification must include these new attestations. <i>*The dates have been extended in the Federal Register published April 17, 2003.</i>
Plan Location §112.3(e)(1)	The owner/operator must maintain a complete copy of the Plan at the facility if the facility is normally attended at least 4 hours per day.	Previously required for facilities attended 8 hours per day.
Spill Notification to EPA §112.4	Whenever the facility has a discharge [as described in §112.1(b)] greater than 1,000 gallons of oil or two discharges of more than 42 gallons of oil occurring within any 12 month period the facility must submit information regarding the spill as described in §112.4(a)(1) through (a)(9) to the RA.	The SPCC Plan does not need to be submitted unless requested by the RA. Previously, the Plan was submitted to the RA as part of the reporting requirement.
Five Year Review Documentation §112.5(b) and 5(c)	The period in which an owner or operator is required to review and evaluate the SPCC Plan changes from 3 years to 5 years.	This review/evaluation does not require a Professional Engineer (PE) Certification. Any technical changes do require a PE Certification.

Spill Prevention Control and Countermeasures (SPCC) Seminar, Charleston, WV

On May 7, 2003 an SPCC Seminar, sponsored by the West Virginia Manufacturers Association, West Virginia Oil & Natural Gas Association, Robinson & McElwee, PLLC and Shaw Environmental was held at the Holiday Inn Express in Charleston, WV. The 3-hour seminar focused on the revisions to 40 CFR 112 published in the July 17, 2002 Federal Register.

Citation	Revised Rule Provision	Comments
Alternative Formats §112.7	The Plan must be in writing and if the Plan does not follow the sequence specified in the rule a cross-reference must be provided. An example of an adequate cross-reference is provided on pp. 47050-47051 of the preamble.	The owner/operator may use an Integrated Contingency Plan (ICP) or a state equivalent Plan with a cross-reference.
Spill History Previously §112.7(a)	This requirement has been eliminated. The previous rule required a spill history for all reportable discharges including corrective actions and prevention measures.	Facility Response Plans (FRPs) are still required to include a spill history.
Technical Waivers §112.7(a)(2)	Where the facility does not conform with the SPCC provisions the facility must state the reason for the nonconformance and describe, in detail, alternate methods to achieve equivalent environmental protection.	This waiver does not apply to any secondary containment requirements.
Facility Diagram §112.7(a)(3)	The facility is now required to prepare a facility diagram, which includes the location and contents of each container, transfer stations and connecting pipes.	The facility must also list all exempt USTs and associated piping.
Impracticability Claim §112.7(d)	When not practicable to install secondary containment, then the Plan must explain why and conduct periodic integrity testing for bulk containers and leak testing of valves and piping.	Facilities must still prepare a strong oil contingency plan following 40 CFR §109 and a written commitment of resources to respond and cleanup a discharge.
Business Records §112.7(e) and §112.8(c)(6)	An owner/operator may use usual and customary business records to satisfy the record keeping requirements for inspections, secondary containment drainage events and integrity testing.	NPDES storm water bypass records in accordance with §122.41(j)(2) and 122.41(m)(3) would satisfy the requirements for rainwater drainage records.
Employee Training §112.7(f)	Mandates that training is required only for oil-handling employees.	The rule also specifies suggested topics and requires annual training.
Brittle Fracture Evaluation §112.7(i)	The rule requires evaluations for field constructed aboveground storage containers undergoing repair, alteration, reconstruction or change in service.	This is a new requirement triggered by the Ashland Oil tank collapse in 1988.
Integrity Testing Per Industry Standards §112.8(c)(6)	A further clarification of the previous requirement. Facilities must test aboveground containers for integrity on a regular schedule combining visual inspections with another testing technique such as hydrostatic or non-destructive shell thickness testing.	A list of organizations which may be helpful in the identification and explanation of industry standards are included on p. 47058 of the preamble.
Secondary Containment-onshore Non-production §112.8(c)(2) production facilities §112.9(c)(2)	Clarifies that production facilities must ensure secondary containment has sufficient freeboard to allow for precipitation. To determine “sufficient freeboard” for precipitation we suggest as a guideline the amount necessary to contain precipitation from a 25-year, 24-hour storm event.	The previous rule did not specify an allowance for precipitation was required for production facilities.
New Format/Plain Language	Included are new sections for different types of facilities and new subparts for different types of oils. The rule has been written in a plain language format to make it clearer and easier to use.	Requirements for the SPCC Plan are included in Sections §112.7-§112.15.
Should to Shall to Must	The use of “shall” to replace “should” was proposed to clarify the misunderstanding that the regulation is not a guideline but that the provisions are requirements to be implemented. It was later changed to “must” to make the requirement clearer.	In an editorial change “shall” was later changed to “must” to follow the plain language objectives for the revised rule.

(Cont'd from page 2) Charleston, WV Seminar

EPA Inspectors Patricia Fleming and Glen Robinson were invited to discuss the revisions to the SPCC regulation and the impact of the revisions on the oil and gas industries. The presentation began with a basic overview of the SPCC rule focusing on how the revisions affect current SPCC Plan holders and then transitioned to an overview of the SPCC rule requirements for production facilities. The audience participated in the discussion with a lot of specific questions which helped to reinforce the information and keep everyone engaged in the topic.

Following EPA’s presentation, Timothy Spence of Shaw Environmental Inc. tied together the information with a short quiz on the revisions to the rule and then involved the audience by presenting real life scenarios and asking how the SPCC rule applied to each scenario. There was standing room only at the seminar which was attended by over 50 industry representatives and environmental consultants. Thanks to the sponsors of the seminar for inviting EPA to participate in this learning session. It was a great success!

If you would like to sponsor a seminar or attend a presentation on the revised SPCC regulation please contact Paula Curtin at (304)234-0256.

SIGN UP FOR OUR MAILING LIST

Oil Program Update will be published on a quarterly basis by EPA Region III.

Our goal is to provide interesting, informative, and often timely information to the Oil and Gas Industry, regulators.

To sign up for our mailing list, **fill out this form and mail it to:**

Paula Curtin
U.S. Environmental Protection Agency
1060 Chapline Street
Wheeling, WV 26003

Federal ____ State Government ____ Industry ____ Medical ____

Local Government ____ First Response/LEPC ____ Other /Environmentalists ____

Name: _____

Company/Agency: _____

Address 1: _____

Address 2: _____

City: _____ St. ____ Zip: _____

Phone: _____

Fax: _____

E-Mail: _____

PLEASE NOTE

If you prefer to receive this document electronically, please make your request to: curtin.paula@epa.gov



Return Service Requested

U.S. EPA Region III
3HS32
1060 CHAPLINE STREET
WHEELING, WV 26003